IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ROCHELLE M. BRANDT,	:	**CIVIL ACTION**
personal representative of the	:	
ESTATE OF GREGORY	:	**THE HONORABLE WILLIAM**
SHEAFFER,	:	**W. CALDWELL**
71 Circle Drive	:	
Dillsburg, PA 17019	:	
and	:	
SUSAN SHEAFFER	:	
5 Bethway Drive, Apt. 103	:	
Sykesville, MD 21784	:	
and	:	
MERCEDES SHEAFFER	:	
5 Bethway Drive, Apt. 103	:	
Sykesville, MD 21784	:	
and	:	
DAVID MIRAGLIA	:	
7227 Ridge Road	:	
Frederick, MD 21702	:	
Plaintiffs,	:	
vs.	:	
	:	
PRIMECARE MEDICAL, INC.	:	
3940 Locust Lane	:	
Harrisburg, PA 17109	:	
and	:	
SUSAN ABELE, M.S.S.W.	:	
c/o PrimeCare Medical, Inc.	:	**JURY TRIAL DEMANDED**
3940 Locust Lane	:	
Harrisburg, PA 17109	:	**NO. 1:11-cv-1692**
and	:	
Marc Turgeon, D.O.	:	
C/o PrimeCare Medical, Inc.	:	
3940 Locust Lane	:	
Harrisburg, PA 17109	:	
Defendants	:	

AMENDED COMPLAINT

NATURE OF ACTION

1. This is an action for damages and other relief arising from the death of Gregory Sheaffer, who died on February 17, 2010, when he was a pretrial detainee held in Adams County Prison in Pennsylvania. It is brought under 42 U.S.C. §1983, and the law of Pennsylvania.

PARTIES

2. Plaintiff Rochelle M. Brandt is a citizen of the United States, residing in Pennsylvania at 71 Circle Drive, Dillsburg, Pennsylvania 17019. In January, 2011, she was issued letters of administration appointing her the personal representative of the estate of her brother, Gregory Sheaffer, who died intestate.

3. In addition to plaintiff, the other beneficiaries of his estate are:

Name	Relationship
Susan Sheaffer	Wife
Mercedes Sheaffer	Daughter
David Miraglia	Son

4. PrimeCare Medical, Inc. [hereinafter, "PrimeCare"] is a for-profit corporation organized under Pennsylvania law, with a principal place of business at the above-captioned address in Pennsylvania. By contract with Adams County and/or its agencies, PrimeCare was, at all times material hereto, responsible for all medical and mental health treatment and evaluation of inmates of Adams County

Prison, including plaintiff's decedent.

5. Susan Abele, M.S.S.W is a social worker, and, at all times material hereto, was employed by PrimeCare to provide services, including mental health evaluations and assessment of suicide risk for Adams County inmates. At all times material hereto, she acted within the course and scope of her employment with PrimeCare.

6. Defendant, Marc Turgeon, D.O., is a physician, and, at all times material hereto, was employed by PrimeCare to provide services, including mental health treatment and assessment of suicide risk for Adams County inmates. At all times material hereto, he acted within the course and scope of his employment with PrimeCare.

JURISDICTION AND VENUE

7. Jurisdiction is vested in this Court by virtue of the presence of federal questions. 42 U.S.C. §§1331; 1343. The Court has supplemented jurisdiction over plaintiff's state law claims pursuant to 42 U.S.C. §1367.

8. At all times material hereto, defendants acted pursuant to or under color of state law.

9. Plaintiff's undersigned counsel has obtained a written statement from an appropriately qualified expert that there is a reasonable probability that the medical and other professional care provided to Gregory Sheaffer by defendants

deviated from acceptable professional standards, and that the acts and omissions comprising that deviation were a cause of Gregory Sheaffer's death. Counsel's "Certificate of Merit", signed in compliance with Pa. Rule of Civil Procedure 1042.3(a)(1) and 40 P.S. §1303.512, is attached hereto as Exhibit "A".

MATERIAL FACTUAL ALLEGATIONS

10. On January 18, 2010, plaintiff's decedent was arrested on charges of receipt of stolen property.

11. At the time of his arrest, plaintiff expressed suicidal ideation, and exhibited significant symptoms requiring mental health evaluation at a hospital.

12. On January 19, 2010, he was committed to Adams County Prison to await trial.

13. On his admission to Adams County, Sheaffer was "screened" by a booking officer, who recorded the fact Sheaffer had been taken involuntarily to Gettysburg Hospital for mental health reasons before his incarceration. This clinically significant fact was recorded in Sheaffer's file, and available for review by PrimeCare staff. However, pursuant to PrimeCare's ordinary practice and policy, no effort was made to acquire the records or any information regarding Sheaffer's mental health evaluation at Gettysburg.

14. After his admission to prison, Sheaffer exhibited clear suicidal intentions and behavior.

15. Sheaffer sought treatment for his serious mental health problems. For example, he submitted a "sick call" request on February 11, 2010, explicitly describing himself as "schizo", having "bad thoughts" and being "suicidal".

16. Another licensed professional nurse saw Sheaffer, and confirmed that he appeared "mentally confused and depressed/sad".

17. Despite Sheaffer's requests for treatment and the overt signs and symptoms of his risk of suicide, PrimeCare provided him with no treatment or evaluation by a properly qualified professional for his serious mental health condition.

18. In material part, this was caused by PrimeCare's systematic failure to provide adequate numbers of adequately trained staff to deal with the psychiatric and mental health needs of Adams County inmates.

19. Instead of providing treatment to Sheaffer, PrimeCare staff ordered his placement in a "stripped cell", on "suicide watch".

20. Between 2:40 and 3:04 p.m. on the same day, defendant Abele saw Sheaffer because of his specific mention of suicidal ideation on a sick call request form, and she observed multiple signs of suicidal risk, including delusions, impaired thought content, and explicit references to suicide. She noted that Sheaffer should be scheduled for psychiatric evaluation.

21. Despite her own conclusion, defendant Abele did not contact Medical

Administration for the prison regarding Sheaffer's condition or needs. She accepted Sheaffer's apparent denial of any mental health history despite the fact that the booking record, which she failed to review, clearly indicated that he had been taken to Gettysburg Hospital for an involuntary "302" commitment.

22. Furthermore, no psychiatrist actually treated Sheaffer during the entire course of his incarceration, due in part to the fact that PPS provides only part-time psychiatric coverage at Adams County Prison.

23. On February 12, 2010 at approximately 11:14 a.m. defendant Turgeon met Sheaffer, and noted his delusional thoughts, including that "he was simply writing down what the ghosts told him".

24. Defendant Turgeon also noted that Sheaffer denied prior psychiatric hospitalizations and had no past history of suicide attempts despite the documentation in the records of Sheaffer's prior involuntary "302" evaluation.

25. Defendant Turgeon failed to review Sheaffer's medical records and file, including his sick call slips noting suicidal thoughts and made no attempt to obtain Sheaffer's prior mental health medical records or obtain a prior mental health history from Sheaffer's family members.

26. Defendant Turgeon diagnosed Sheaffer with an "adjustment disorder," but failed to arrange or provide any treatment for Sheaffer.

27. On February 12, 2010, at approximately 3:10 p.m. defendant Abele

again saw Sheaffer. Abele knew that Sheaffer had not been treated by a psychiatrist for his serious mental health needs. During her meeting with him, Sheaffer asked to see a psychiatrist for medication, but Abele chose to make no referral to a psychiatrist.

28. Despite her knowledge of Sheaffer's serious condition and serious medical needs, Abele failed to make any attempt to obtain Sheaffer's prior mental health medical records or obtain a prior mental health history from Sheaffer's family members.

29. Despite the PrimeCare defendants' knowledge, and Sheaffer's clear needs, the PrimeCare defendants ordered his removal from the "stripped cell", and transfer into a cell containing multiple means of suicide, including bed sheets not present in the "stripped cell".

30. Between February 12 and February 14, 2011, Sheaffer received no psychiatric or mental health treatment, despite his obviously serious need.

31. On February 14, 2011, Gregory Sheaffer hanged himself, using a bed sheet in his cell. Preliminary medical reports confirmed that he had hanged for at least 15 minutes before he was discovered, during which Sheaffer suffered intense pain.

32. Although he was resuscitated and hospitalized, Sheaffer had suffered an irreparable brain injury, and lapsed into a coma during which he exhibited

severe and regular seizure activity.

33. On February 17, 2011, Sheaffer was pronounced dead, at the age of forty-seven years.

CAUSES OF ACTION

COUNT I
42 U.S.C. §1983
PLAINTIFF vs. ABELE AND TURGEON

34. Plaintiff incorporates herein by reference paragraphs 1 through 33 as though each were fully set forth herein at length.

35. Abele and Turgeon failed to provide Gregory Sheaffer with necessary mental health treatment, in deliberate indifference to his serious needs.

36. With the same deliberate indifference, Abele and Turgeon subjected him to an increased danger of suicide by removing him from a physically safe "stripped cell" into a cell where he had access to the means of suicide. They did this despite their actual knowledge of Sheaffer's substantial suicide risk, and of the fact that he had not received appropriate psychiatric or professional treatment.

37. Abele and Turgeon's conduct violated Sheaffer's rights under the Fourteenth Amendment of the U.S. Constitution.

38. As a result of the violation of his constitutional rights, Sheaffer suffered death and the other harm averred hereinabove.

COUNT II
42 U.S.C. §1983
PLAINTIFF vs. PRIMECARE

39. Plaintiff incorporates herein by reference paragraphs 1 through 38 as though each were fully set forth herein at length.

40. The conduct of Abele and Turgeon comprising violation of Gregory Sheaffer's rights under the Fourteenth Amendment were caused by and consistent with practices, policies and procedures deliberately implemented and maintained by PrimeCare.

41. These practices, policies and procedures included, but were not limited to:

a) failure to insure that suicidal inmates are seen timely by a psychiatrist or other appropriate provider;

b) failure to maintain proper policies and procedures for transfers into and out of "stripped cells;

c) failure to adequately train PrimeCare staff regarding the recognition of suicidal risk and the prevention of suicide.

42. In addition to the above-averred practices, policies and procedures, PrimeCare deliberately implemented and systematically maintained others which resulted in the violation of plaintiff's rights under the Fourteenth Amendment.

43. These included, but were not limited to:

a) failure to provide adequate staff for the provision of mental health treatment;

b) failure to provide adequate psychiatric coverage;

c) failure to provide prompt mental health treatment;

d) failure to insure proper review of new inmates' medical history;

e) failure to insure proper maintenance of "suicide watch" procedures;

f) failure to provide appropriate psychotropic medication on a timely basis.

44. The violation of Sheaffer's constitutional rights arising from these policies, practices and procedures caused his death and the other harms related to it.

COUNT III
PLAINTIFF vs. ABELE, TURGEON AND PRIMECARE
PROFESSIONAL NEGLIGENCE

45. Plaintiff incorporates herein by reference paragraphs 1 through 44 as though each were fully set forth herein at length.

46. Gregory Sheaffer's death, and the harms related thereto occurred as a result of the negligent acts and omissions of PrimeCare and its employees Susan Abele and Marc Turgeon.

47. The negligence of Abele and Turgeon, for which PrimeCare is vicariously liable, included:

a) failure to recognize and properly treat the risk of suicide by Gregory Sheaffer;

b) removal of Sheaffer from a "stripped cell", without clinical justification;

c) failure to insure Sheaffer's treatment by a psychiatrist, despite their knowledge of the need to do so;

d) failure to coordinate surveillance of Sheaffer while on "suicide watch".

48. PrimeCare itself was negligent in the implementation and maintenance of the practices, policies and procedures averred in Count II hereinabove.

49. The culpable acts of defendants were committed in gross and wanton negligence.

COUNT IV
SURVIVAL

50. Plaintiff incorporates herein by reference paragraphs 1 through 49 as though each were fully set forth herein at length.

51. Plaintiff claims the right to prosecute this action and recover on behalf of the Estate of Gregory Sheaffer all damages allowable under Pennsylvania's Survival Act, 42 Pa.C.S.A. §8302, including but not limited to Sheaffer's pain, suffering and emotional distress, dread and apprehension of impending death, loss of life's pleasures and his loss of earnings and earnings capacity.

COUNT V
WRONGFUL DEATH

52. Plaintiff incorporates herein by reference paragraphs 1 through 50 as

though each were fully set forth herein at length.

53. Plaintiff claims the right to prosecute this action on behalf of herself and the other beneficiaries of Gregory Sheaffer's estate, and to recover all damages allowable under Pennsylvania's Wrongful Death Act, 42 P.A.C.S.A. §8801, including but not limited to all pecuniary losses resulting from his death such as funeral expenses, and the loss of any current or anticipated financial contributions from Sheaffer.

JURY DEMAND

54. Plaintiff demands a jury determination of all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, plaintiff asks the Court to enter judgment in her favor and against defendants, and to:

a) award her general and compensatory damages;

b) award her exemplary damages;

c) award her reasonable attorney's fees, and the costs of this litigation, as well as such interest as is allowed by law; and

d) provide such other relief as this Court deems just and equitable.

Respectfully submitted,

s/Gerald J. Williams
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